

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COLE, JACKIE BRANNUM, RICHARD
KING, MICHAEL DENTON, FRED WALLACE,
and MARVIN RAY YATES, individually and on
behalf of those similarly situated,

Plaintiffs,

v.

BRYAN COLLIER, in his official capacity,
ROBERT HERRERA, in his official capacity, and
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,

Defendants.

CIVIL ACTION NO.
4:14-cv-1698

**PLAINTIFFS' MOTION TO EXTEND DEADLINE TO FILE REPLY BRIEF TO
MOTION FOR SANCTIONS AND TO SHOW CAUSE**

Plaintiffs respectfully request the Court extend their deadline to file a reply brief to Plaintiffs' Motion for Contempt, to Show Cause, and for Sanctions (Doc. 1459). The current deadline is October 3, 2019. Plaintiffs' request an extension until October 18, 2019.

First, and most importantly, Plaintiffs' counsel is currently satisfied (based on available information) that all class members are currently housed in locations that are in substantial compliance with the provision of the settlement agreement requiring that heat indices in the housing areas be kept below 88°F. If these circumstances should change, and the parties cannot satisfactorily resolve the situation, Class Counsel would bring the matter to the Court's immediate attention.

Second, Plaintiffs' counsel are engaged in good-faith negotiations with counsel for the Defendants to attempt to resolve as many issues as possible raised in the motion without the Court's additional intervention.

Third, Plaintiffs' counsel are engaged in addressing other matters, many of which have already had deadlines extended as Plaintiffs' counsel set those matters aside to address the emergency created by TDCJ's noncompliance with the settlement agreement this summer. In particular, Plaintiffs' counsel is currently responding to complex summary judgment motions filed in *Arenas v. Georgia Department of Corrections*, No. 4:16-cv-00320 (S.D. Ga.), where response deadlines have already been extended to October 11, 2019 to accommodate matters in this case. Plaintiffs' counsel also had depositions scheduled this week and next in *Bisetti v. City of Austin*, 1:19-cv-00616 (W.D. Tex.), *Pike v. Austin Integral Care*, D-1-GN-18-006607 (Travis Cnty. Dist. Ct.), and *Pedersen v. Clark*, No. D-1-GN-18-006016 (Travis Cnty. Dist. Ct.), all of which were scheduled before the motion for sanctions was filed.

Finally, Defendants' response and lengthy appendix raises many complex, fact-intensive issues that require in-depth review by Plaintiffs' counsel before an adequate reply can be filed.

This motion is made for the reasons stated above, and not for purposes of delay.

Plaintiffs' respectfully request the Court extend their deadline to file a reply brief to October 18, 2019.

Dated: October 2, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature below, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Southern District of Texas.

/s/ Jeff Edwards
Jeff Edwards

CERTIFICATE OF CONFERENCE

By my signature below, I certify that I conferred with Darren McCarty, counsel for the Defendants and Deputy Attorney General for Civil Litigation. Mr. McCarty represents that Defendants are unopposed to the relief requested.

/s/ Jeff Edwards
Jeff Edwards